

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

MARTIN J. VIALE
DONNA M. VIALE

DEBTORS

Martin J. Viale and
Donna M. Viale,

Movants,

v.

The Huntington National Bank,

Respondent.

CHAPTER 13

CASE NO. 19-23752

Judge Gregory L. Taddonio

OBJECTION TO MOTION FOR LOSS MITIGATION

Creditor, The Huntington National Bank (Huntington), objects to the Debtors' Motion for Loss Mitigation (Doc 43) (the "Motion") filed in the above-captioned Chapter 13 bankruptcy proceeding and states as follows:

1. Huntington's Records indicate that the Debtors own real estate as follows: Residence at 30 Ashley Road, Gibsonia, PA 15044; and codebtor, Jade Investment Venture, L.P., owns residential rental property located at 429 & 437 Freeport Road, Creighton, PA 15030.

2. Plaintiff's motion for loss mitigation references property located at 305 Arcadia Drive, Pittsburgh, PA 15237, which upon reasonable investigation, is not subject to Huntington's mortgage or referenced in Debtors' schedules.

3. Debtor's residence is subject to a first mortgage of Creditor, Bank of America Home Loans, Bayview Loan Servicing, and a second mortgage of Fifth Third Bank, per schedule D of Doc 29.

4. Plaintiff's Proof of Claim #4 filed October 30, 2019, attaches its commercial loan and mortgage on the property located at 429 & 437 Freeport Road, Creighton, PA 15030.

5. A review of the Allegheny Recorder's records does not reveal any Huntington mortgage on 305 Arcadia Drive.

6. For the foregoing reasons, loss mitigation on 305 Arcadia Drive with Huntington does not appear to be appropriate.

WHEREFORE, Huntington requests that the motion be denied.

Respectfully submitted by:

**NIEKAMP, WEISESELL, MUTERSBAUGH
& MASTRANTONIO, LLP**

/s/ Wade T. Doerr

Christopher J. Niekamp (0051221)
Wade T. Doerr (0083430)
23 South Main Street, Third Floor
Akron, Ohio 44308-1822
Phone: (330) 434-1000; Facsimile: (330) 434-1001
E-Mails: cjn@nwm-law.com; wade@nwm-law.com
Counsel for Creditor, The Huntington National Bank

CERTIFICATE OF SERVICE

The undersigned certifies that on January 2, 2020, a true copy of the foregoing Objection to Doc 43 filed by Creditor, The Huntington National Bank, was served via the Court's electronic case filing system on the attorneys who are listed on the Court's Electronic Mail Notice List:

Brian C. Thompson, representing Debtors, bthompson@ThompsonAttorney.com
Ronda J. Winnecour, Trustee, cmevf@chapter13trusteewdpa.com
Office of the US Trustee, ustpregion03.pi.ecf@usdoj.gov

/s/ Wade T. Doerr

Christopher J. Niekamp (0051221)
Wade T. Doerr (0083430)